

Frequently Asked Questions and Answers about "No Child Left Behind"

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TESTING

Q. Which students will be tested? In what subject areas?

A. "No Child Left Behind" requires that states measure student achievement toward state academic standards in reading and math. Currently, states are required to measure achievement at three different levels. For 2002-2003, North Dakota will measure students' achievement in grades 4, 8, and 12. Beginning in the year 2005-2006, the law requires that states measure all students in grades 3-8 and in at least one of grades 10-12 in reading and math. In 2007-2008, states are required to measure students' achievement in science in at least one of grades 3-5, one of grades 6-9, and one of grades 10-12.

Q. North Dakota recently changed its State test from the CTB/Terra Nova to the CAT test. Why?

A. Beginning in 2001-2002, students in North Dakota were required to take the CAT test in reading and mathematics in grades 4, 8, and 12. The CAT test included a State supplement. The results of the test are reported in terms of proficiency toward our state standards.

North Dakota changed to the CAT test in order to receive student information on achievement toward state standards. Adequate Yearly Progress will no longer be measured solely by achievement on a norm-referenced test where student achievement is measured based on the scores of other students. Instead, student achievement will also be determined by "proficiency," meaning that results of the test will show what students do and do not know and how that compares with what the state standards say they should know. The CAT test, using selected and constructed response test items, will measure student progress in terms of standards, as well as by comparing students with one another.

ACCOUNTABILITY

Q. What does the phrase “Adequate Yearly Progress” mean?

A. Adequate Yearly Progress is the State’s measure of yearly progress toward state academic content standards. It sets the minimum level of improvement that states, school districts, and schools attain must each year. “No Child Left Behind” requires that states and schools not only measure overall student improvement toward state academic standards, but also that particular subgroups of students, who are traditionally at high risk of being left behind, be measured independently to ensure those students are not left behind. Achieving Adequate Yearly Progress means that all students in all schools, districts, and states are making progress toward high academic standards.

Q. What are the subgroups of students who are traditionally at risk of being left behind, that must be separated out when determining a school’s Adequate Yearly Progress?

A. The subgroups that will be disaggregated are the following:

- Economically disadvantaged students,
- Limited English Proficient (LEP) students,
- Major ethnic/racial groups, and
- Students with disabilities.

Q. If subgroups must be separated out, and a school only has one member of any of the above subgroups, is it possible that a school could be identified for Title I program improvement on the basis of one student’s test scores?

A. No. To ensure statistically reliable information and to protect student confidentiality, the state will set a uniform number that will be used to determine if a subgroup has an adequate number of students to use in determining adequate yearly progress for that subgroup. If the composite or subgroup contains fewer students than this number, the results of the scores will not be used to determine adequate yearly progress. In the future, the state will combine multiple years’ data so that all schools are held accountable for student achievement.

Q. What process will the state use to determine “Adequate Yearly Progress?”

A. First, educators in the state must define a “cut point” for what proficiency in reading and mathematics means for the State of North Dakota. What level do we consider proficient in reading and math? What is it that we want all students to know and be able to do when they reach grade 4? Grade 8? Grade 12? On the tests that our students take, what score do all students need to reach to demonstrate proficiency?

Also, “No Child Left Behind” requires the state to choose one of two methods for defining our state’s “starting point” based on the lowest achieving demographic group or

based on the lowest-achieving schools in the state, whichever method results in the highest percentage. Once the initial bar is established, the state is required to “raise the bar” gradually, over a twelve-year period, until all schools reach 100 percent proficiency.

Q. What about new students? Can a school be held accountable for students who have only attended that particular school for a short period of time?

A. Students need to have been enrolled in a particular school for one full year in order to be counted in the adequate yearly progress scores. However, students who have not attended the school for a full year must still take the state assessment. Their scores will NOT be used to determine adequate yearly progress for the school, but they WILL be used to determine adequate yearly progress for the district.

Q. How long must a student attend a school to be considered “enrolled for one full year?”

A. One full year means that the student has been at a particular school since the first day of school.

Q. What about special populations of students? For example, are students who are labeled Limited English Proficient (LEP) required to take the state test? Are students who are on an Individual Education Plan (IEP) for special education required to take the exam?

A. There are NO exemptions for LEP students. LEP students must participate in the state assessment. Accommodations as described in the Test Interpretation Manual for the CAT test are allowed. If an LEP student has been enrolled in a school for one full year, that student’s scores will be used to determine adequate yearly progress.

Regarding students on an IEP, these students, also, are required to take the state assessment. There is an alternate assessment that is available for special education students, but this assessment is only for students with significant disabilities (approximately 2% of the special education population). The majority of students on an IEP must participate in the State assessment. Both tests (the alternate and the regular state assessment) will be used in the adequate yearly progress calculations. Accommodations as described in the Test Interpretation Manual are allowed.

Q. How will the state assure that all students participate in the state test?

A. In order for a school to make adequate yearly progress, the school must ensure that at least 95% of the students at the state, district, school, and subgroup level participated in the state assessment. The law states that if fewer than 95% of the students participate in the state assessment, the school and/or district is automatically identified for program improvement (even if every child tested had proficient test scores).

Schools must report all student results by subgroups. The number of students in the composite score and each subgroup must be of sufficient size to produce statistically reliable results for the 95% requirement to affect adequate yearly progress. In other words, if the number of students in the composite score or in a subgroup is too small to produce statistically reliable results, the state need not, on the basis of the 95% requirement, identify the school as not making adequate yearly progress, even if fewer than 95% of the students in that subgroup take the state's assessment.

Q. Other than the results of the state assessment and participation in the assessment, is there any other information about the school that will be used to determine whether or not a school is making Adequate Yearly Progress?

A. Yes. A state's definition of Adequate Yearly Progress must include a "secondary indicator" for determining progress. The secondary indicator at the high school level is graduation rates, and for the middle and elementary school level, North Dakota has chosen to use attendance rates. These indicators will be used to further identify schools that are not making Adequate Yearly Progress. However, these indicators may NOT be used to prevent a school from being identified for improvement.

Q. What if a school does not make “Adequate Yearly Progress?”

A. If a school does not make state-defined adequate yearly progress for two consecutive school years and the school receives Title I funds, the school will be identified for program improvement. Identified schools will receive additional resources to make improvement. In addition, schools will face certain sanctions.

Two consecutive years of failure=	<ul style="list-style-type: none">•Development of two-year plan for improvement.•School must offer “school choice,” where parents are given the option to transfer their student to a different public school in the district.
Third consecutive year of failure=	<ul style="list-style-type: none">•Continue “school choice.”•Provide “supplemental services” to disadvantaged children, where parents of identified children are allowed to receive Title I funds to pay for educational services provided outside of the school day. Services must be provided by an entity approved for such services by the state.
Fourth consecutive year of failure=	<ul style="list-style-type: none">•Continue providing “school choice” and “supplemental services.”•District must implement corrective actions such as replacing certain staff, implementing a new curriculum, or extending the school day or year.
Fifth consecutive year of failure=	<ul style="list-style-type: none">• Continue “school choice” and “supplemental services.”• District must develop a plan to make significant changes or “corrective actions” including reopening the school as a charter school, replacing all or most of the staff, turning management of the school to a private company or the state, or any other major restructuring of the school’s governance that will make fundamental reforms.

REPORTING TO PARENTS

Q. "No Child Left Behind" increases responsibilities for reporting to parents. How are these responsibilities increased?

A. There are three main ways in which "No Child Left Behind" has increased responsibilities for reporting to parents. These are 1) the **Parent's "Right to Know" clause**, 2) the requirement for states and schools to publish **"report cards"** on student performance, and 3) the school's **"Annual Adequate Yearly Progress Report."**

Q. What is the Parent's "Right to Know" clause? What does it require?

A. The parents "Right to Know" clause has two major requirements for reporting to parents about the quality of professional staff at their public school. **First**, at the beginning of each school year, school districts who receive Title I funds must notify parents that they have the right to request and receive information on the professional qualifications of teachers at their students' school. This notification may take place in a school newsletter or by a separate letter to parents. **Second**, a school is also required to notify parents if their child is taught for four consecutive weeks or more by a teacher who is not "highly qualified" (as defined in "No Child Left Behind").

Q. If, after being notified of his/her right to receive information about the qualifications of teachers at his/her school, a parent chooses to access this information, what, specifically, is the school required to these parents about teacher qualifications?

A. If a parent requests this information, at a minimum, schools are required to report the following*:

- Whether each teacher has met **state qualifying and licensing criteria** for the grade levels and subject areas in which the teacher is teaching;
- Whether the teacher is teaching under **emergency or other provisional status**;
- The baccalaureate **degree major** of the teacher and any **other graduate certification** or degree held by the teacher, including the **field of discipline** of the certification or degree; and
- Whether the child is provided services by **paraprofessionals** and, if so, their qualifications.

Samples of forms that could be used by schools to meet this requirement are available on the Title I website at the following address:

<http://www.dpi.state.nd.us/title1/targeted/general/reauthoriz/handout/parents.pdf>

* Above information taken from "The New Title I: Balancing Flexibility with Accountability," by Kristen Tosh Cowan and Leigh Manasevit, Washington, DC: Thompson Publishing Group, 2002. For further information call 1-800-876-0226.

Q. What is the state, district, and school “report card?”

A. “No Child Left Behind” requires that, beginning in the 2002-2003 school year, state test results are reported to the public. All school districts must have annual report cards for parents and the public on the academic achievement of all students in the district combined, as well as the achievement of students at each individual school. The state must also prepare an annual report card on the achievement of all the students in the state. In North Dakota, the state, district, and building report cards must include the information bulleted below. Districts must provide all of the following information both as district results as a whole AND by each individual school building within the district*:

- Information, in the aggregate, on student achievement at each proficiency level on the CAT test.
- Student achievement at each proficiency level on the CAT test disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged. (Disaggregation is not required to be reported on the report card if it could reveal personally identifiable information about an individual student or if the number of students in the subgroup is below the uniform number set by the state as statistically reliable for reporting.)
- The percentage of students not tested, disaggregated as above.
- Information that provides a comparison between the actual achievement levels of each “subgroup” of students (disaggregated by major race/ethnic group, disability status, educationally disadvantaged status, and LEP status) and the state’s annual measurable objectives for each subgroup of students on the CAT test.
- The most recent two-year trend in student achievement in each subject area and grade level tested by the CAT test.
- Aggregate information on attendance at elementary schools.
- Aggregate information on graduation rates at high schools, including the percentage of students who graduate from secondary school with a regular diploma in the standard number of years.
- Information on the performance of the school/district toward making Adequate Yearly Progress, including the number and names of each school identified for program improvement.
- The professional qualifications of all teachers, including the percentage of teachers teaching with emergency or provisional credentials and the percentage of classes not taught by “highly qualified” teachers. In the district report card, the information on “highly qualified” teachers must be identified in the aggregate throughout the state and disaggregated by high-poverty schools compared to low-poverty schools. (For the purposes of the report card, a

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"high poverty" school means a school in the top quartile of poverty in the state and a "low poverty" school is a school in the bottom quartile of poverty in the state.)

In North Dakota, the Department of Public Instruction will develop and disseminate, via the Department's website, district and individual school building report cards. **Districts are then required to disseminate this information to parents and community members.**

HIGHLY QUALIFIED TEACHERS

Q. What does “No Child Left Behind” require for teachers?

A. Through Title I law, each state must assure that all educators teaching in “core academic subjects” are “highly qualified” by the 2005-2006 school year.

Q. Does this pertain only to Title I teachers?

A. No, the requirement that teachers be highly qualified, although written in Title I law, applies to ALL teachers in the state who are teaching in the core academic subjects, K-12.

Q. What does “highly qualified teachers,” as used in “No Child Left Behind,” mean?

A. “Highly qualified means that teachers meet each of the following three criteria:

1. Teachers must have state certification/licensing.
2. Teachers must hold at least a bachelor’s degree.
3. -New elementary teachers must pass a rigorous state test that demonstrates their subject area knowledge.
-New middle/secondary teachers must either pass a rigorous state test OR have a major (or the coursework equivalent of a major) in the core subject areas that they teach.
-Teachers who are not new must pass a rigorous state test, have a major/coursework in core subject areas in which they teach, or pass a state evaluation.

Q. What are the “core academic subject areas?”

A. “No Child Left Behind” defines the core academic subject areas as the following:

- English
- Reading or Language Arts
- Mathematics
- Science
- Foreign Languages
- Civics and Government
- Economics
- Arts
- History
- Geography

Please note that the Department of Public Instruction needs further clarification of the core academic subject areas as defined above. The state has not yet determined whether composite social studies and science majors will be acceptable for meeting the third criteria of “highly qualified” since, for example, the law separates social studies into separate subject areas (civics and government, history, geography) while science is not separated.

Q. When will teachers have to meet these requirements?

A. All teachers who are new to the teaching profession AND working in a Title I program who are hired after the first day of the 2002-2003 school year must meet this provision immediately. For the 2002-2003 school year, this means that all new Title I teachers must have taken and passed the PPST/Praxis I exam.

All existing teachers in the state of North Dakota must meet the "highly qualified" provision by June 2006.

Q. What is meant by "new" and "not new" teachers?

A. A "new" teacher is a teacher who has just graduated from a university and just received his/her certification to teach. A teacher who is "not new" is one who has been a certified teacher before 2002-2003. If a person graduated from college in 2001, received a teaching certificate and taught in the classroom during the 2001-2002 academic year, this teacher would be considered "not new." Also, if a teacher is newly hired to a district, but has been teaching before the 2002-2003 school year, that person would also be considered "not new."

Q. What if a teacher has a temporary, provisional, or emergency certification? Is he/she "highly qualified" since he/she is allowed to teach in North Dakota?

A. No; temporary, provisional, or emergency certification is NOT acceptable in Title I law.

Q. I am a teacher who has just graduated from college and about to begin my first year of teaching. What do I need to do to meet the definition of "highly qualified?"

A. If a teacher is new to the profession and is teaching **at the elementary school level**, the teacher would need to 1) hold a teacher's license, 2) have a bachelor's degree in elementary education, and 3) pass a rigorous state test (for 2002-2003 the PPST/Praxis I) in reading, writing, mathematics, and other areas of the basic elementary curriculum.

If the teacher is new to the teaching profession and teaches **middle or secondary school**, he or she must 1) hold a teacher's license, 2) have a bachelor's degree, and 3) demonstrate a high level of competency in each of the core academic subject areas in which he/she teaches. This competency can be exhibited in one of two ways:

- a. By passing a rigorous state academic subject test in each of the subjects in which he/she teaches.
- b. Completing an undergraduate academic major (or equivalent coursework), a graduate-level degree, or obtaining advanced certification or credentialing in each of the core academic subject areas in which he/she teaches.

Q. I have been teaching in North Dakota schools for several years. What does the "highly qualified" teaching provision mean for me?

A. At this point, the state department has not made a final decision regarding the interpretation of the definition of “highly qualified” and its impact on experienced teachers. A decision is essentially on hold until the U.S. Department of Education releases its official guidance on the “No Child Left Behind.”

All experienced teachers will also need to meet the three requirements identified in Title I law. Most experienced teachers easily meet requirement one (state certification/license) and two (bachelor’s degree). The third requirement of the definition, requiring a state test, major/coursework, or a state evaluation, appears to be the most controversial.

For elementary teachers, it has not been decided whether a teacher who is “not new” to teaching and who holds a major in elementary education is fully qualified under the “No Child Left Behind” definition. It is possible that elementary teachers, in addition to having a major in elementary education, may need to demonstrate competency by passing a rigorous test or completing the state evaluation.

For junior high/middle school teachers, regardless of whether a teacher has an elementary or secondary degree, an educator in the junior high/middle school area teaching in the core subject areas would need to have a major in every subject area taught, take the Praxis II in all areas taught, or demonstrate competency on the state evaluation. Each school district retains the sole discretion to organize its grades in a configuration that is most appropriate for that district. Accreditation rules require that teacher qualifications be based on this self-selected configuration.

At the high school level, a teacher who is “not new” to the teaching profession and who holds a major in all core subject areas taught is considered fully qualified. If a “not new” teacher is teaching with a minor, that teacher is not “highly qualified,” and the teacher must work to meet this federal requirement. Essentially, there are three options available for a teacher teaching with a minor at the high school level who wants to meet the “highly qualified” provision. The teacher could 1) bring the minor up to a major equivalent by taking college coursework, 2) take and pass the Praxis II test in the subject area in which he/she wants to teach, or 3) demonstrate competency on a state evaluation of that content area.

Q. What is the “state evaluation” that is mentioned above?

A. The Governor’s office and the Education Standards and Practices Board have written a grant to develop a portfolio based assessment system, which would meet the requirements for the uniform state evaluation. If the grant is not funded, the state evaluation may not be an available option.

Q. Why is this in Title I law?

A. Historically, many requirements that affect all students and teachers in a state come from a federal requirement within Title I law. Why is it that Title I, a program that traditionally has paid for the hiring of one or two teachers in North Dakota schools to provide supplemental academic assistance in reading and/or math to specific, identified students, is

able to pronounce such a far-reaching requirement for all schools and teachers, regardless of whether or not teachers are paid with Title I funds? Title I is about improving the achievement of educationally disadvantaged students. Since improving these students' achievement is the primary concern of Title I law, Title I provisions can affect the whole school. If a school, for example, is filled with teachers who are not certified to teach in the subjects they are teaching, more students in that school are likely to be disadvantaged. Therefore, requiring all schools to improve teacher qualifications would help all students at the school achieve, including students who would traditionally be selected for Title I services, thereby improving the achievement of educationally disadvantaged students.

AIDES/PARAPROFESSIONALS

Q. What qualifications do aides/paraprofessionals need in order to work in a Title I program?

A. "No Child Left Behind" requires that aides/paraprofessionals must be highly qualified as well. To be qualified for employment in a Title I program, an aide/paraprofessional must meet at least one of the following three criteria:

1. Have an associate (or higher) degree from an institution of higher education, OR
2. Have completed at least two years of study full time at an institution of higher education, OR
3. Passed an assessment that documents his/her knowledge of mathematics, reading, and writing.

Q. When must Title I aides/paraprofessionals meet one of the three criteria?

A. "No Child Left Behind" requires that all Title I aides/paraprofessionals hired after the date of the enactment, January 8, 2002, meet this requirement immediately. All aides who were hired before the date of enactment have four years to fulfill one of the above requirements.

Q. What if we hire an aide who will be new to our school, but who has been working as an aide in our district in previous school years?

A. An aide who has previously worked in a school district as an aide would have four years to meet the above requirements, even if he/she has recently been hired to work at a different school.

Q. My school is a Title I schoolwide school. Do our aides still need to meet one of the above criteria?

A. Yes. In fact, the rules regarding the qualifications of aides/paraprofessionals are, if anything, more stringent for Title I schoolwide schools. All instructional aides, not just those paid with Title I funds, must meet one of the three criteria for qualification. The key to determining whether or not an aide/paraprofessional at a schoolwide school needs to meet the above requirements is his/her duties. If his/her primary duties are instructional—assisting teachers in the delivery of instruction to students—then the aide/paraprofessional must meet one of the three criteria. If, however, his/her duties were not instructional, if, for example, his/her duties are to assist the librarian at the school, to work in the lunchroom, or to observe the playground, then he/she would not have to meet the above criteria.

Q. What are aides/paraprofessionals working in a Title I program allowed to do?

A. In order to ensure that only the most qualified instructors are regularly providing instruction to educationally disadvantaged students, “No Child Left Behind” has much more restrictive regulations on what duties are allowable for aides/paraprofessionals working in a Title I program. The five allowable duties include,

- One-on-one tutoring for eligible (Title I) students, but only when these students would not receive instruction from a certified teacher,
- Assisting certified teachers in maintaining classroom management (this duty is allowable only for Title I schoolwide programs),
- Providing computer lab assistance,
- Conducting parent involvement activities, and
- Serving as a translator.

SCHOOL CHOICE

Q. When is a school required, by federal law, to offer public school choice?

A. A school must offer school choice to its students if it has been identified as a Title I program improvement school. A school is identified for Title I program improvement only if it has failed to make Adequate Yearly Progress for two academic school years. The school choice provision stays in effect for the duration of a school's identification as a program improvement school.

Q. If a school must offer public school choice, does that mean that they must allow students to attend any school that they wish and cover those costs?

A. If a school is identified for program improvement and must provide school choice, students at that school must be provided the option of transferring to another public school that is not failing within that same district. Class size cannot be used as a reason for refusing to allow a student from a low-performing school to transfer into a new school. Five percent of the district's Title I funds must be set aside for paying the costs of transporting these students to another school.

Q. What if, as in the case of rural schools, there is no other school building in our district for the student to transfer to? Or what if the only other schools in the district are also identified as failing to make Adequate Yearly Progress?

A. In cases like these, where there are no other school in the district or all schools within a district have been identified for program improvement, the school district is strongly encouraged to work out interdistrict agreements to provide school choice to students by allowing them to go to a new school district. In addition, schools in this situation are also strongly encouraged to consider voluntarily offering "supplemental services" to students in their district a year earlier than required by law.

Q. Will transportation be offered to students who wish to exercise their public school choice option?

A. Yes. Districts must provide transportation required for a student to exercise public school choice or interdistrict choice offered as part of identification for Program Improvement.

Q. Which students in "failing" schools are eligible for exercising public school choice?

A. All students attending a school that is identified as not making Adequate Yearly Progress are eligible to exercise their right to public school choice, but districts must give

priority to low-income students if it is not possible to serve all students who wish to participate.

Q. When can a district deny a student's right to enter a school of their choice?

A. The only acceptable reason to deny a school choice request from a student who is exercising this option from a low-performing school is if it would violate state fire and safety code laws to add a child to a particular classroom. Class size alone is not an acceptable reason to refuse a student's transfer for the school choice option.

SUPPLEMENTAL SERVICES

Q. What are “supplemental services?”

A. The term "supplemental services" refers to extra help provided to students in reading, language arts and math. This extra help can be provided before or after school, and on weekends. Before and after school tutoring and remedial classes in reading, language arts, or math are just some options that might be available to a student who qualifies for these services.

Q. When is a school required to use part of its Title I funds to provide outside supplemental services for its students?

A. In a school's second year of being identified as failing to make Adequate Yearly Progress (third year of failing, second year in Program Improvement), it is required to allow some of its students to receive additional supplemental services. Five percent of the district's Title I allocation must be set-aside to pay for the costs of implementing supplemental services.

Q. Who is available to provide supplemental services?

A. Providers can be non-profit, including faith-based organizations, or for-profit entities with a demonstrated record of effectiveness in increasing student academic achievement. The provider **MUST** be on the state-approved list for supplemental service providers and must be capable of providing supplemental educational services consistent with the instructional program of the district and the state's academic standards. In addition, providers must give parents and the school information on the progress of the children served, ensure that instruction is consistent with state and local standards, including state student academic achievement standards, and meet applicable health, safety, and civil rights laws.

Q. How can a parent choose a good program?

A. The law requires that “supplemental educational service” providers adhere to high-quality, research-based instruction. School districts who offer supplemental services are required to give parents information about every available, state-approved program in the area. This includes information about the providers, their qualifications, and their effectiveness.